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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/708,517

03/09/2004

Craig D. Johnson

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04/17/2009

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14910 AIRLINE ROAD  
ROSHARON, TX 77583

EXAMINER

DUNWOODY, AARON M

ART UNIT

PAPER NUMBER

3679

NOTIFICATION DATE

DELIVERY MODE

04/17/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/708,517 | <b>Applicant(s)</b><br>JOHNSON ET AL. |  |
|                              | <b>Examiner</b><br>Aaron M. Dunwoody | <b>Art Unit</b><br>3679               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 11, 12, 16, 18, 22, 97 and 99-103 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 11, 12, 16, 18, 22, 97 and 99-103 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, “[a]n apparatus *usable with a well to connect a first tubing section and a second tubing section together*”. Claim 2 recites, “a first production tubing section that ***is formed at least in part by the first tubing section*** and a second production tubing section ***that is formed at least in part by the second tubing section***”. However, the preamble clearly shows that the first and second tubing sections are only functional, and are not considered part of the claimed invention. Therefore, it is not clear to the Examiner how Applicant can define the first and second production tubing sections in terms of the first and second tubing sections.

Claim 1 recites, “[a]n apparatus *usable with a well to connect a first tubing section and a second tubing section together*”. Claim 2 recites, “a first injection tubing section that ***is formed at least in part by the first tubing section*** and a second injection tubing section ***that is formed at least in part by the second tubing section***”. However, the preamble clearly shows that the first and second tubing sections are only

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functional, and are not considered part of the claimed invention. Therefore, it is not clear to the Examiner how Applicant can define the first and second production tubing sections in terms of the first and second tubing sections.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

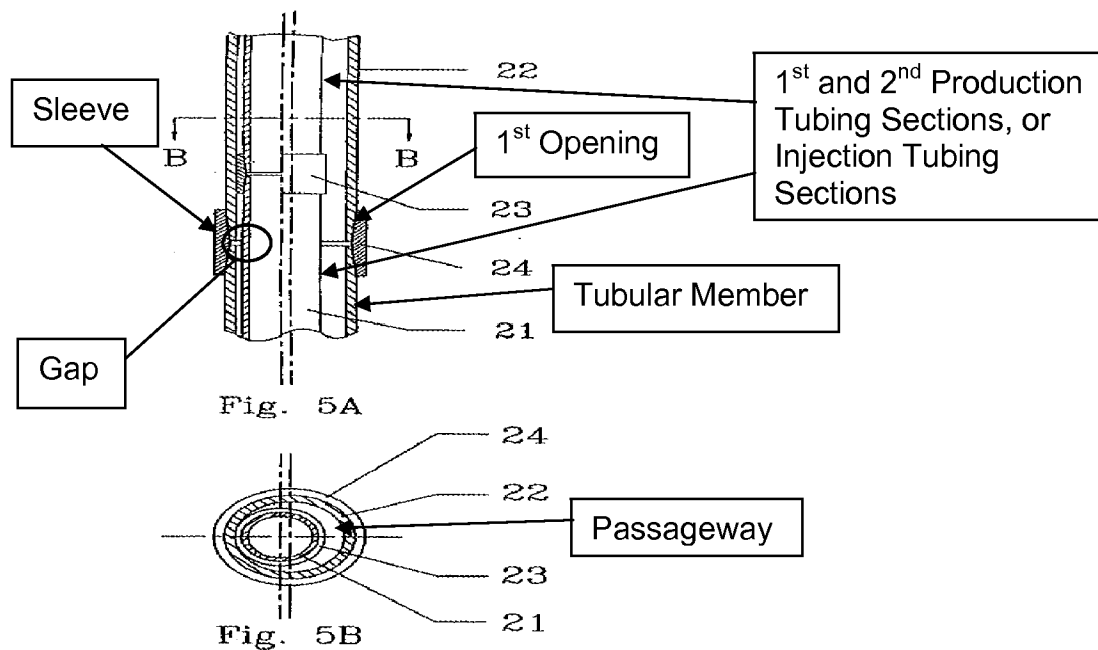
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 11, 12, 16, 18, 22, 97 and 99-103 are rejected under 35 U.S.C.

103(a) as being unpatentable over US patent 5862866, Springer in view of US patent 4865359, Roberts.

In regards to claim 1, in Figures 5A-B below, Springer discloses an apparatus usable with a well to connect a first tubing section and a second tubing section together, the apparatus comprising:

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a body comprising a surface; a first opening concentric with an axis to receive the first tubing section; a second opening concentric (not shown but implied) with the axis to receive the second tubing section; and a passageway eccentric with respect to the axis to communicate fluid after the first and second tubing sections are connected together by the body; a sleeve adapted to be moved from a retracted position to an extended position, the sleeve comprising a surface; and a tubular member comprising a passageway adapted to align with the passageway of the body of the connector such that a gap exists between the passageway of the body and the passageway of the tubular member when both the first and second tubing sections are fully received in the first and second openings and the sleeve is in the retracted position, wherein the sleeve is adapted to be moved to the extended position to bridge the gap. Springer does not disclose a sealing element. Roberts teaches a sealing element (25) to contribute “to

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formation of a gas-tight seal, and the prevention of crevice corrosion" (col. 4, lines 3-5).

As Roberts relates to the method of joining pipe segments to form a pipeline, it would have obvious to one having ordinary skill in the art at the time the invention was made to provide a sealing element to contribute to formation of a gas-tight seal, and the prevention of crevice corrosion, as taught by Roberts.

Note, the first tubing section and second tubing section are not considered part of the claimed invention.

In regards to claim 2, Springer discloses a first production tubing section that is formed at least in part by the first tubing section and a second production tubing section that is formed at least in part by the second tubing section.

In regards to claim 3, Springer discloses a first injection tubing section that is formed at least in part by the first tubing section and a second injection tubing section that is formed at least in part by the second tubing section.

In regards to claim 11, Springer discloses the body is formed from a single piece of material.

In regards to claim 12, Springer discloses the first opening comprises a tapered opening to receive the first tubing section. 1

In regards to claim 16, Springer discloses the sealing element is substantially parallel to the axis.

In regards to claim 18, Springer discloses the sleeve comprises: a cylindrical portion that has an axis that is substantially parallel to the axis that is concentric with the

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first opening; and an annular face that radially extends inwardly from the cylindrical section and into the gap.

In regards to claim 22, Springer discloses the sleeve is eccentric with respect to the axis.

In regards to claim 97, Springer in view of Roberts disclose an connector assembly usable with a well, comprising: a first body comprising: a first opening concentric with an axis to receive a first tubing section, a second opening concentric with the axis to receive a second tubing section, and a passageway eccentric with respect to the axis to communicate fluid after the first and second tubing sections are connected together by the first body; and a second body connected to the second tubing section and comprising another passageway coaxial with the passageway of the first body, the second body comprising a surface; a sleeve mounted on the second body adapted to be moved from a retracted position to an extended position, the sleeve comprising a surface; and a sealing element to form a sealing contact with the surface of the second body and with the surface of the sleeve when the sleeve is in the extended position wherein a gap exists between the passageway of the first body and the passageway of the second body when both the first and second tubing sections are fully received in the first and second openings and the sleeve is in the retracted position, and the sleeve is adapted to move to the extended position to bridge the gap.

In regards to claim 99, Springer discloses the first body is formed from a single piece of material and the second body is formed from a second piece of material.

In regards to claim 100, Springer discloses at least one of the first and second openings comprises a tapered opening.

In regards to claim 101, Springer in view of Roberts disclose a method usable with a well, comprising: providing a body to connect a first tubing section and a second tubing section together; providing a first opening in the body to receive the first tubing section, the first opening being concentric with an axis; providing a second opening in the body to receive the second tubing section, the second opening being concentric with the axis; providing a passageway in the body which is eccentric with respect to the axis to communicate fluid after the first and second tubing sections are connected together by the body; and providing a sleeve adapted to be moved from a retracted position to an extended position, and wherein a gap exists between the passageway of the body and another passageway when both the first and second tubing sections are fully received in the first and second openings and the sleeve is in the retracted position; forming a sealed connection between a surface of the sleeve and a surface of the body when the sleeve is in the extended position; and bridging the gap, including moving the sleeve to the extended position.

In regards to claim 102, Springer in view of Roberts disclose providing a production tubing section that forms at least part of the first tubing section; providing a second production tubing section that forms at least part of the second tubing section; and communicating produced well fluid through the first and second production tubing sections.



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In regards to claim 103, Springer in view of Roberts disclose providing a first injection tubing section that forms at least part of the first tubing section; providing a second injection tubing section that forms at least part of the second tubing section; and communicating fluid injected into the well through the first and second injection tubing sections.

### ***Response to Arguments***

Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/  
Primary Examiner, Art Unit 3679

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